

ASSEMBLY BILL

No. 2336

**Introduced by Assembly Member Fuller
(Coauthor: Assembly Member Gilmore)**

February 19, 2010

An act to add Section 85308.5 to the Water Code, relating to the Delta.

LEGISLATIVE COUNSEL'S DIGEST

AB 2336, as introduced, Fuller. Delta Stewardship Council.

The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council as an independent agency of the state. The act requires the council, on or before January 1, 2012, to develop, adopt, and commence implementation of a comprehensive management plan for the Sacramento-San Joaquin Delta (Delta Plan), meeting specified requirements.

This bill would require the council, in the course of developing and adopting the Delta Plan, to assess the adverse impacts of invasive species predation on native species, evaluate predator suppression options in areas of the Delta that evidence the highest levels of predation, and recommend changes in law and actions by state agencies to remedy the situation in as timely a manner as is practicable.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) Fish of the genus *Morone* (striped bass) are a harmful and
2 highly invasive species that is not native to this state.

3 (b) Striped bass, including hybrid species commonly referred
4 to as sunshine bass, palmetto bass, wiper, Virginia bass, Maryland
5 bass, and paradise bass, are native to the eastern coast of the United
6 States, and are typically found from Florida to the St. Lawrence
7 Seaway. Striped bass were intentionally introduced to California
8 in 1879 from the Navesink River in New Jersey.

9 (c) Striped bass are common in the San Francisco
10 Bay/Sacramento-San Joaquin River Delta, and are estimated to
11 have a population that has fluctuated from a low of 600,000 to a
12 high of 600,000 to 1,000,000 in Clifton Court Forebay alone.

13 (d) Striped bass are known to prey upon and consume a variety
14 of native fish species valued by the people of this state that are
15 protected under the federal Endangered Species Act of 1973 (16
16 U.S.C. Sec. 1531 et seq.) and the California Endangered Species
17 Act (Chapter 1.5 (commencing with Section 2050) of Division 3
18 of the Fish and Game Code), including winter run, spring run, and
19 fall run Chinook salmon, and Delta smelt.

20 (e) The predation habits and diet of striped bass are contributing
21 to the decline and extirpation of native fish species populations in
22 and from the San Francisco Bay/Sacramento-San Joaquin River
23 Delta.

24 (f) In order to protect and preserve the existing populations of
25 native fish species that live in and migrate through the San
26 Francisco Bay and the Sacramento-San Joaquin River Delta, it is
27 the intent of the Legislature that the Delta Stewardship Council
28 include in its final Delta Plan the identification of effective
29 programs to discourage the promotion of the San Francisco
30 Bay/Sacramento-San Joaquin River Delta as a striped bass sport
31 fishery, to immediately end any existing program for the
32 enhancement, expansion, or improvement of striped bass
33 populations and their habitat, and to eliminate any and all legal
34 restrictions regarding the size or number of striped bass that may
35 be taken, and the season or location in which striped bass may be
36 taken in the San Francisco Bay and the Sacramento San-Joaquin
37 Delta pursuant to a valid California fishing license.

38 SEC. 2. Section 85308.5 is added to the Water Code, to read:

39 85308.5. The council, in the course of developing and adopting
40 the Delta Plan, shall assess the adverse impacts of invasive species

- 1 predation on native species, evaluate predator suppression options
- 2 in areas of the Delta that evidence the highest levels of predation,
- 3 and recommend changes in law and actions by state agencies to
- 4 remedy the situation in as timely a manner as is practicable.

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